

Naples City Council

December 11, 2008

Minutes

The regularly scheduled meeting of the Naples City Council was held December 11, 2008, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, and Kenneth Reynolds. Dan Olsen arrived later.

COUNCIL MEMBERS ATTENDING

Others attending were John Wood, Jim Harper, Allan Mashburn, Ryan Cook, Szeth Simmons, Mark Watkins, Connie Patton, Dennis Judd, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and the invocation was offered by Gordon Kitchen.

OPENING CEREMONY

Mayor Baker asked that agenda items 8a and 8b be switched. Robert Hall **moved** to approve the agenda with that change. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked if there were any changes to the minutes of November 20, 2008. Gordon Kitchen **moved** to accept the minutes as presented. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Connie Patton presented the bills in the amount of \$231,924.85. Councilman Kitchen questioned the bills being paid in the park department and in the fire department. Nikki Kay explained that those expenses were being billed to the Recreation District and reimbursed by the Fire District. Robert Hall **moved** to approve the expenditures in the amount of \$231,924.85. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Absent

Kenneth Reynolds Aye

A business license application was received from **Outback Rental** located at 1442 E Hwy 40. The business moved into the Cameron building. Craig Blunt stated the business is in the proper zone and they are working on any compliance issues they have. Dennis Long **moved** to approve the business license. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye. Dan Olsen arrived at this time.

***BUSINESS LICENSE
APPROVAL***

A change order was received from JB Gordon Construction. The order is to change the pipe size for the irrigation line on 1000 South in the amount of \$8,989.40. Gordon Kitchen **moved** to approve the change order in the amount of \$8,989.40. Ken Reynolds **seconded** the motion. The motion passed with the following vote:

***CHANGE ORDER AND
DRAW REQUEST FOR JB
GORDON CONSTRUCTION***

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

The fourth draw request from JB Gordon Construction was also received in the amount of \$232,417.00. This is for work completed on the installation of sewer and water on 1000 South and included the laterals. Craig Blunt explained that the pipes have been inspected and accepted by Ashley Valley Water and Sewer. Dennis Long **moved** to accept the draw request. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

Craig Blunt told the Council that a road cut was completed by A&D Hacking at 1447 E 500 S. He said the cut was an emergency because sewage was surfacing and it needed to be done. No action was taken on the matter.

ROAD CUT REQUEST

Dale Harrison, chairman for Planning and Zoning, came before the Council to give his opinion on the request for

MAINSTAY SUITES

Mainstay Suites located at 1365 E 2850 S and also to give the recommendation of the Planning Commission. Mr. Harrison stated the vote at the Planning Commission meeting was two against the proposal and three in favor. Mr. Harrison stated, as the Chairman of the Planning Commission, he felt the need to share his thoughts about this project. Mr. Harrison said the City has spent a great deal of time and money to develop a Downtown Plan. Other developers have come in and been willing to work with the City in maintaining the concepts for the plan. He stated the parcel of land that is being proposed for development is in an area that was targeted for big box businesses. He said the development of the Mainstay Suites would conflict with the big box area. Mr. Harrison felt that one land owner was trying to dictate the development of that area. Mr. Harrison also had a problem with an extended stay motel in the middle of the downtown development area. He feels a long stay motel is hard to regulate and hard to maintain and it would not be in the best interest of the City or the community to have it in the middle of what has been targeted as the downtown shopping area. Chairman Harrison said the vote at the Planning meeting was not unanimous and he urged the Council to vote against the preliminary plans for the Mainstay Suites. Councilman Kitchen wanted to make sure he understood that it was a majority vote by the Planning Commission and not a unanimous vote. Chairman Harrison said that was correct. Councilman Hall stated he was hesitant to go against the Planning Commissions recommendation but he also did not feel the development was compatible with the downtown plan and was not comfortable with an extended stay motel in the middle of the downtown area. Robert Hall **moved** to deny the preliminary plans for the Mainstay Suites based on the incompatibility with the Downtown Master Plan. Dennis Long **seconded** the motion. Councilman Kitchen wanted to know why the developer was so locked on that parcel of ground. Chairman Harrison stated he did not know. Mayor Baker told the Council that he met with JoAnn Hancock, realtor for the property, and City Planner Chris Hoem. He stated they had a conference call with the owner and the developer of the property and discussed the layout of the motel. He said they talked about the motel running east and west as opposed to north and south so that it did not block surrounding properties. Mayor Baker said he understood the development did not fit the Downtown Plan but wanted to know how long they wanted to hold land owners hostage until they get the development they want. Councilman Hall said they could not use the argument of not having any hotels in Naples because

at least three others have been approved. Councilman Hall asked for Councilman Reynold's opinion on the matter as he sits as a representative on the Planning Commission. Councilman Reynolds said he was not at the last meeting but he did not want the building to run north and south but when they agreed to run the building east and west he had no problem with it. Chairman Harrison did not believe they would be able to do that because if they put any development in front of it they would lose their green space and their retention pond. Mayor Baker thought in order to be fair in the matter they should allow the developer to come in and explain what they are proposing. JoAnn Hancock stated that even though the hotel is an extended stay it will be run exactly like any other hotel and at a standard like other hotels. She also stated that the reason the motel will be to the back of the property is because of the width of building and not having enough room to the side of the building for a drive through. Councilman Hall said his concern was not so much the long stay motel but the disruption of the Downtown Plan. JoAnn Hancock wanted to know why an owner of a piece of property should not be able to do what they want with their property. Councilman Hall pointed out that if the motel is built where it is proposed then the City is eliminating future big box development. JoAnn said property surrounding the motel development is under contract by the same developer. Chairman Harrison wanted to know why the City was willing to throw away all their plans for one developer. Councilman Hall said he was not all right with it but he was only one person. Mayor Baker stated there was still a motion on the table with a second and asked for any other comments. Chairman Harrison said they are not against the development but the position of it does not fit with the City's plan. Councilman Kitchen stated he would like to hear from the developer and wanted to know why the Planning Commission went with it. Chairman Harrison thought the others went along with it because they wanted to see development and didn't look at how it would infringe on the rest of the plans for the City. He also stated he thought the comments made by Mayor Baker at the meeting influenced the vote of the members. Councilman Hall said he would be willing to have the developer come in with the other plans and show how it could fit with the Master Plan. Councilman Kitchen said if the Council votes to deny the preliminary they would be denying the possibility of hearing those other plans. Chairman Harrison stated that the Council would not be voting on any other development or the possibility of any development, they would only be considering this one motel.

Councilman Hall said it comes down to the choice as to whether the City values the plan in place or if they are willing to override it completely. Chairman Harrison asked the Council to really evaluate how they want the City to go. Councilman Hall stated they will be setting a precedent if they decide to approve it and they will not be able to use the Master Plan as an excuse to deny any other development. Councilman Olsen asked the Mayor why he supported the development. Mayor Baker said they have waited a long time to try and develop the land out here and he had a hard time holding a land owner hostage and telling them what will be allowed. Mayor Baker said it is a plan and they should be willing to give leeway as to what is allowed. Councilman Kitchen said a box store will go off of numbers and not a conceptual plan and they need to get the numbers here to support it. Chairman Harrison asked if they were willing to throw away all of the money and hard work for the conceptual plan of one developer. Councilman Kitchen said yes. At this point Mayor Baker called for a vote on the original motion. Councilman Hall and Councilman Long voted aye. Councilmen Kitchen, Olsen and Reynolds voted nay. Chairman Harrison stated he would like to formally announce his resignation from the Planning Commission. He did not feel he would like to continue to participate in items that will be taking tax payers money and waste their time and efforts. Mayor Baker accepted Mr. Harrison's resignation and thanked him for his time and effort in behalf of the City. Craig Blunt asked the Council for clarification on the motion. He said they voted against denying the preliminary for Mainstay Suites and wanted to know if that meant they approved the preliminary. Gordon Kitchen then **moved** to accept the recommendation of the Planning Commission to give preliminary approval to Mainstay Motel. Ken Reynolds **seconded** the motion. Councilmen Kitchen, Olsen, and Reynolds voted aye. Councilmen Hall and Long voted nay.

Chris Hoem was introduced to the Council as the new City Planner. Chris explained that concept approval was given to Fort Knox Storage at 2225 E 3250 S for an RV parking lot by the Planning Commission. Chris said the parking lot will be graveled with a barb wire fence around it and in the future the owner plans to install a coded security gate. Councilman Hall wanted to know if the zoning issues were worked out. Craig stated the Planning Commission felt the use of the property fell within the accepted uses. Chris explained that this was a matter of information only for the Council. Chris told the Council that the Planning Commission asked the

FORT KNOX STORAGE

owner of the property to bring back an engineers drawing for his final approval.

John Wood, project engineer for Microtel Inn, came before the Council to let them know of changes in their original building plan submission. Mr. Wood explained they will be reducing the size of the building but this would not affect the site plan, drainage, or landscaping. Mr. Wood wanted the Council to be aware of the change so when the time comes for future expansion everything will have already been presented. Mr. Wood stated the Planning Commission approved the revision of the plans. Ken Reynolds **moved** to approve the revised plans for Microtel Inn (2900 S 1500 E). Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***MICROTEL INN - PLAN
REVISION***

Two street light agreements with Rocky Mtn Power were given to the Council for their approval. The agreements were for The Farm subdivision and for Parkview subdivision. Craig Blunt said he was not sure why the one for Parkview was being presented, he thought it was already taken care of. The contract for The Farm subdivision was for five lights. Dan Olsen **moved** to accept the agreement for The Farm subdivision. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***STREET LIGHT
AGREEMENT FOR ROCKY
MOUNTAIN POWER***

Dennis Long **moved** to open a public hearing to discuss annexing property located at 3080 S 1500 E. Ken Reynolds **seconded** the motion. The motion passed with all voting aye. Craig Blunt explained where the property is located and explained that people interested in the property would like to develop it with a mixture of residential single family dwellings and three story condos. Craig stated that no verbal or written protests were received. Jim Harper wanted to know how this would fit with the City's Master Plan. Craig stated it would fit really well. Craig said this would provide the roof top numbers discussed earlier in the meeting and would be a good match. Mr. Harper also asked about access into the development. Craig said the developers would eventually build 3000 S to access 1500 E and 500 E. With no other comments from the public, Ken Reynolds **moved** to close the public hearing. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***PUBLIC HEARING TO
ANNEX PROPERTY AT
3080 S 1500 E***

Dan Olsen **moved** to approve Ordinance 08-112 annexing certain real property into the City. Dennis Long **seconded** the motion. The motion passed with the following roll call

***ORDINANCE 08-112
ANNEXING CERTAIN
REAL PROPERTY***

vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

Chief Mark Watkins came before the Council requesting approval to expend funds to purchase voice analysis recognition equipment and software. Chief Watkins explained that the computer program senses voice stress when interviewing suspects. He stated the County has been using the program with very good results. He told the Council they could receive a discount on the equipment if the department would sponsor a training class. Councilman Kitchen wanted to know about additional future costs to upgrade the equipment. Chief Watkins said there should be no additional costs and the company supports the software and there are no additional costs for upgrades. Chief Watkins said it would be a good investigative tool he would really like to have. Ken Reynolds **moved** to approve the expenditure of \$7,000. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

Mayor Mashburn from Vernal City came before the Council to again discuss the Chamber of Commerce memorandum of understanding. He asked the Council to consider participating with them jointly to hire an economic development and chamber director. Mayor Mashburn said if the City could contribute \$65,000 they would be able to hire two people, one to fill each position. He said they anticipate doing that anyway but with Naples City's help they could do it much sooner. Mayor Mashburn explained that if Naples City agreed to enter into that partnership the board member numbers would change to add a City representative. Councilman Hall was very supportive of the concept he was just concerned about the financial aspect of it. Robert Hall **moved** to approve the concept of joining with Vernal City, Uintah County, and the Chamber of Commerce and to move forward with the process. Dennis Long **seconded** the motion. The

***PURCHASE IN POLICE
DEPARTMENT***

***C H A M B E R O F
C O M M E R C E
M E M O R A N D U M O F
U N D E R S T A N D I N G***

motion passed with all voting aye.

Two bids were received for form-based coding from Epic Engineering and Tracy Stocking & Associates. Craig Blunt explained the purpose of form-based zoning. He said the City wanted to ensure the type of look on the buildings and the relationship of open space in meeting the needs of pedestrian traffic when the Downtown Master Plan was developed. He said in order to do that the City would need to be a little more direct or implement a code that states in word and picture what is wanted and expected. He said the bids were \$30,000 from Tracy Stocking & Associates and \$24,498 from Epic Engineering. Councilman Hall wanted to know what effect this would have on buildings and layouts of the Downtown area as the City is already approving developments contrary to the Downtown Plan. Craig said the City is already requiring this from developers but they would like it finalized and in writing. Craig Blunt said Tracy Stocking & Associates has extra funds, not used when developing the Downtown Master Plan, that could be subtracted from their bid. Councilman Hall asked for Craig's recommendation on which company to go with. Craig said he was leaning toward the company the City started with in the development of the Downtown Master Plan and that would be Tracy Stocking & Associates. Robert Hall **moved** to approve the bid from Tracy Stocking. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

A copy of the business license fees charged by Vernal City and Uintah County was presented to the Council. The fees charged are very similar to what is currently being charged by the City. Mayor Baker wanted to see the comparison. It was discussed that the difference was not enough to warrant any change in what is currently being charged. Craig Blunt said the City could justify an increase in the fees if they included a fee for fire safety inspections. No action was taken on the matter.

Jim Harper reported to the Council regarding the advertisement sent out for bids to repair hazardous sidewalks. Jim stated no bids were received. Jim stated the

BIDS FOR FORM-BASED CODING

DISCUSSION FOR AN INCREASE IN BUSINESS LICENSE FEES

RESULTS OF BIDS FOR SIDEWALK HAZARD REPAIR

original quote was for \$8,000 and he asked for approval to proceed with that quote. Robert Hall **moved** to re-approve the \$8,000 for sidewalk repairs. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

Jim Harper gave Council members job descriptions and a pay scale for the road department. Jim said he looked at other entities in the area for figures on the pay scale. Councilman Kitchen asked Jim where he received the qualifications for the job descriptions. Jim said he got some of the information from Craig and some from the other entities. Councilman Kitchen said the lower job qualifications should be stapled to or included in the higher job description qualifications. Council members asked Jim to go back and combine and revise them. Gordon Kitchen **moved** to accept the job descriptions as a first reading. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

***JOB DESCRIPTIONS AND
PAY SCALE FOR ROAD
DEPARTMENT***

Jim Harper asked for approval to hire Szeth Simmons in the road department. Jim explained that Szeth has been working for the City through SOS Staffing and they would like to hire him full time. Jim stated that Szeth has his CDL certification and he recommended a salary of \$18.00 per hour. Dennis Long **moved** to accept Szeth as a new employee at \$18.00 per hour with a six-month probationary period. Ryan Cook told the Council that Szeth has been a good employee and recommended the Council be as generous as they can. After some discussion Dennis Long **amended** his motion to \$19.00 per hour on the salary. Ken Reynolds **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

***APPROVAL TO HIRE IN
ROAD DEPARTMENT***

Ryan Cook submitted a letter of interest to accept the position of assistant road superintendent. Dan Olsen **moved** to appoint Ryan as the assistant road supervisor. Gordon

***LETTER OF INTEREST
FROM RYAN COOK FOR
ASSISTANT ROAD***

Kitchen **seconded** the motion. Mayor Baker asked if the motion would include any increase in salary. Councilman Hall said that comes back to the job descriptions and what Ryan's additional responsibilities would be. Ryan wanted to know if the job description was the final copy. Council members said it was accepted as a first reading. Councilman Long wanted to know if Ryan had any issues with the job description given to him. Ryan said he didn't have any problems with the job description. Dan included in his **motion** a dollar an hour raise. Gordon **seconded** the motion. Ryan asked the question "what if I decline?" Mayor Baker asked him if he didn't want it. Ryan said he was looking more along the lines of 10 percent increase. Ryan said that would be consistent with the job descriptions and he feels like he has a lot of experience in assisting Jim with his job. Councilman Hall said they are struggling with how close that puts him in salary to Jim's. Ryan felt it was not out of line with the responsibilities. Councilman Kitchen said the motion was on the table and it would be up to him if he accepted. Ryan wanted to know if it was negotiable. Councilman Kitchen said he was just given a cost of living increase and this would not be in line with a merit increase. Mayor Baker asked if there were any other comments on the motion made. Mayor Baker told Ryan that it would now be up to him to accept or reject the offer. Ryan wanted to know if he would be held liable if he held back on his responsibilities. Councilman Olsen told Ryan that the Council acts as policy making body and Jim, as Ryan's supervisor, will do the administrative part of it. He said if Jim were to hold him responsible for it then he would be responsible. Councilman Kitchen said it will now be Ryan's decision as to whether or not he wants to accept the position. Ryan told the Council that he would like to sit on this one for a while before accepting the position.

SUPERINTENDENT

Dennis Judd came before the Council to clarify some issues regarding comp time and overtime. Mr. Judd explained to the Council that an employee could be salaried and non-exempt. He stated that public safety employees are handled on a totally different pay period. He said that any nonexempt employees working overtime should accrue 1.5 hours in comp hours. Mr. Judd thought Nikki Kay and Connie Patton should be salaried employees and it would need to be determined if they could be classified as exempt or non-exempt. Councilman Kitchen asked about those who are carrying more than one responsibility or work for more than one department with the City. Mr. Judd said you could still separate those classifications. Councilman Hall said he felt a

DISCUSSION REGARDING COMP TIME AND OVERTIME

lot of it comes down to the City's policy, regulated by federal guidelines. It was discussed that from a management standpoint it might be easier to pay overtime rather than keep track of comp time. Mr. Judd said he would research the question about stretching the comp time period to the next pay period or if it is regulated by the seven-day work week. Mayor Baker said the next step would be to classify each employee and make sure the policies are up to date to address the comp time issues. Chief Watkins asked the Council about carrying over more than forty hours per year for vacation. He would like to see it increased to eighty or one hundred hours. Councilman Kitchen suggested the department heads bring back a recommendation to the Council about that. No action was taken on the matter.

Dennis Judd discussed the proposed changes to the alcohol sales ordinance with the Council. Mr. Judd explained that the State of Utah has a fairly comprehensive alcohol control act, they have allowed local government entities to regulate certain aspects of alcohol beverage control. Local entities can regulate retail sales for off-premise consumption and they allow regulation of on-premise consumption but anyone doing that also has to have a state permit. Mr. Judd said the ordinance was changed to allow for on- premise consumption and increase the number of licenses that were allowed in the City. With the present ordinance, Maverick would not be allowed to sell alcohol when they begin business. Mr. Judd noted that with the changes happening in the City, the Council should consider changing those numbers. Mr. Judd said the City could approve an on premise consumption license but that would still need to be approved by the State. He explained that the City and the State both have regulations as to where businesses can be located that allow on-premise alcohol consumption. Mr. Judd said he would do a few clean up things to the ordinance and he would like to bring it back to the next Council meeting. The Mayor and Council thanked Mr. Judd for his time in coming to answer some of the questions they had.

ALCOHOL SALES ORDINANCE 08-108

Councilman Hall recommended at a previous meeting that a discussion concerning Christmas bonuses be added to the agenda. Councilman Hall recommended giving the full time employees a Christmas bonus of \$300 net. With no other comments, Robert Hall **moved** to give \$300 net to each full time employee as a Christmas bonus. Dan Olsen **seconded** the motion. The motion passed with the following vote:

CHRISTMAS BONUSES

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

Council members agreed to leave the regular Council meetings on the 2nd and 4th Thursday of each month. Robert Hall **moved** to keep the schedule as it currently is and to publish the 2009 meeting schedule in the paper. Dennis Long **seconded** the motion. The motion passed with all voting in the affirmative.

***2 0 0 9 M E E T I N G
SCHEDULE***

Dan Olsen **moved** to close the City office at noon on December 24, 2008. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 11:20 p.m. Robert Hall **seconded** the motion. The meeting was adjourned

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 8th DAY OF JANUARY 2009

BY: _____

ATTEST: _____